

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7023 of 2022

Arising Out of PS. Case No.-198 Year-2020 Thana- SONBERSA District- Sitamarhi

Md. Kadir @ Kadir Sheikh, Son of Late Md. Jumrati, Resident of Village -
Bhutahi, P.S.- Sonbarsa, Distt.- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Madhubala Verma, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 07-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Sonbarsa P.S. Case No. 198 of 2020 registered
for the alleged offences under Sections 147, 148, 149, 302,
304(B), 307, 323, 324, 201/34 of the Indian Penal Code.

As per prosecution case, the complainant/informant
made a complaint before the learned Chief Judicial Magistrate,
which was later on converted into F.I.R., wherein she alleged
that the petitioner, who was the husband of the daughter of the
informant, in connivance with other co-accused persons,
assaulted and killed the daughter of the informant. When the
informant's side demanded postmortem of the dead body be



conducted before the burial, they were assaulted by the family members of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is the husband of the deceased who died in absence of the petitioner. At the time of the occurrence, the petitioner was at Ludhiana and this fact is evident from a petition filed by the father of the deceased before the S.H.O. of Sonbarsa police station wherein he has mentioned that on 11.05.2020, his son-in-law namely Md. Kadir made a phone call to him from Ludhiana that his wife has died and thereafter he went to the place of occurrence. Learned counsel further submits that in course of investigation, it has come to the notice that the deceased died due to natural cause and dead body was cremated in presence of the informant and others. Only with a view to blackmail the petitioner and others, the informant lodged the complaint case against them after three days of the alleged occurrence. Learned counsel further submits that the petitioner and his family members never tortured the deceased and entire allegation is false and fabricated. The petitioner is in custody since 06.04.2021 and charge-sheet has been submitted in this case.



Learned APP opposes the prayer for bail submitting that there is specific allegation against the petitioner and others. Learned APP further submits that the dead body was buried in hurry and for this reason postmortem of the same could not be conducted.

Perused the record.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of substantive material against the petitioner to connect him with the offence as alleged and further considering the period of custody of the petitioner along with the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-XII, Sitamarhi, in connection with Sonbarsa P.S. Case No. 198 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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